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FILE # 20293/204535-USCDATE: 3/19/06NUMBER TRANSMITTING TO: 571-273-0459RECIPIENT: PCT Legal DeptCOMPANY: Patent & Trademarks OfficeFROM: Flynn BarrisonNO. OF PAGES TRANSMITTING  
(INCLUDING COVER SHEET)\*: 10CONFIRMATION OF THIS TRANSMISSION WILL FOLLOW BY  
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19 JAN 2007

Legal Staff  
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**Error in****Omitted data**

- ☐ Applicant's name  
☐ Applicant's address  
☐ Title  
☐ Filing Date  
☐ Application Number  
☒ Domestic Priority data as  
claimed by applicant  
Notice of Acceptance -  
Priority Date

**This Application is a 371 of PCT /EP04/52296  
09/23/2004**

**REMARKS**

The from the Filing Receipt and Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495. Enclosed please find a copy of the Executed Declaration.

Marked up copies of the Filing Receipt and Notice of Acceptance are also enclosed.

The Commissioner is respectfully requested to issue new and correct Filing Receipt and Notice of Acceptance documents.

Respectfully submitted,

Dated: January 18, 2007



Flynn Barrison  
Reg. No. 53,970  
Agent for Applicant(s)

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P.O. Box 5257  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

20793/0204535-US2  
 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/573,435	03/24/2006	2877	950	5005.1111	4	21	1

CONFIRMATION NO. 2006

23280

DAVIDSON, DAVIDSON & KAPPEL, LLC  
 485 SEVENTH AVENUE, 14TH FLOOR  
 NEW YORK, NY 10018

## FILING RECEIPT

\*OC000000021422891\*

Date Mailed: 12/01/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt Incorporating the requested corrections (if appropriate).

## Applicant(s)

Heinrich Ulrich, Heidelberg, GERMANY;  
 Werner Knebel, Kronau, GERMANY;  
 Kyra Mollmann, Trippstadt, GERMANY;

## Assignment For Published Patent Application

Leica Microsystems CMS GmbH, Wetzlar, GERMANY

**Power of Attorney:** The patent practitioners associated with Customer Number 23280.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/52296 09/22/2004

## Foreign Applications

GERMANY 10544410.6 09/25/2003

**If Required, Foreign Filing License Granted:** 11/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/573,435**

**Projected Publication Date:** 03/08/2007

**Non-Publication Request:** No

Calculator Law  
 O&D Entry Law  
 Looseleaf Law  
 Folder Law  
 Card \_\_\_\_\_  
 Letter \_\_\_\_\_  
 Foreign Filing \_\_\_\_\_

**Early Publication Request: No**

**Title**

Scanning microscope with evanescent wave illumination

**Preliminary Class**

356

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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#### **NOT GRANTED**

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## UNITED STATES PATENT AND TRADEMARK OFFICE

20793/0204534

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U.S. APPLICATION NUMBER NO. 10/573,435	FIRST NAMED APPLICANT Heinrich Ulrich	ATTY. DOCKET NO. 5005.1111
INTERNATIONAL APPLICATION NO. PCT/EP04/52296 - 535		
I.A. FILING DATE 09/22/2004		PRIORITY DATE 09/25/2003

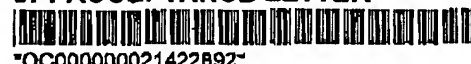
23280  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

TO: *J. Williams*

ATTY REVIEWED \_\_\_\_\_ DATE: \_\_\_\_\_

CONFIRMATION NO. 2006

371 ACCEPTANCE LETTER



\*OC000000021422892\*

Date Mailed: 12/01/2006

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>03/24/2006</u>	<u>03/24/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the International filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 03/24/2006
- Copy of the International Search Report filed on 03/24/2006
- Preliminary Amendments filed on 03/24/2006
- Information Disclosure Statements filed on 03/24/2006
- Oath or Declaration filed on 03/24/2006
- Request for Immediate Examination filed on 03/24/2006
- U.S. Basic National Fees filed on 03/24/2006
- Assignment filed on 03/24/2006
- Priority Documents filed on 03/24/2006
- Power of Attorney filed on 03/24/2006

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

**PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/903 (371 Acceptance Notice)

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## DECLARATION AND POWER OF ATTORNEY

5005.1111

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

**SCANNING MICROSCOPE WITH EVANESCENT WAVE ILLUMINATION**, the specification of which (check one)

☐ is attached hereto

☒ was filed on 23 September 2004 as International Application Serial No. PCT/EP2004/052296 and was amended on (if applicable).

☐ I hereby authorize and request our attorneys, Davidson, Davidson & Kappel, LLC of 485 Seventh Avenue, New York, New York 10018 to insert here in parentheses (application number \_\_\_\_\_, filed \_\_\_\_\_) the filing date and application number of said application when known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information that is known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign and/or provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign and/or provisional application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## PRIOR APPLICATION(S)

DE 103 44 410.6 Number	Germany Country	25 September 2003 Day/Month/Year Filed	Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	Day/Month/Year Filed	Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Day/Month/Year Filed	Status
Application Serial Number	Day/Month/Year Filed	Status

And I hereby appoint Clifford M. Davidson, Reg. No. 32,728, Leslye B. Davidson, Reg. No. 38,854, Cary S. Kappel, Reg. No. 38,561, William C. Gehris, Reg. No. 38,156, Morey B. Wildes, Reg. No. 36,968, Robert J. Paradiso, Reg. No. 41,240, Erik R. Swanson, Reg. No. 40,833, Thomas P. Canty, Reg. No. 44,586, and all other registered attorneys and agents at Davidson, Davidson & Kappel, LLC, U.S. Patent and Trademark Office Customer Number 23280, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith; correspondence address: DAVIDSON, DAVIDSON & KAPPEL, LLC, 485 Seventh Avenue, 14th Floor, New York, New York 10018; Telephone: (212) 736-1940; Fax: (212) 736-2427.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Heinrich ULRICH
Inventor's signature	<i>Heinrich Ulrich</i>
Date	March 7, 2006
Residence	Heldelberg, Germany
Post Office Address	Langgewann 2 69121 Heldelberg Germany
Citizenship	Germany

Full name of additional inventor	Werner KNEBEL
Inventor's signature	<i>Werner Knebel</i>
Date	March 7, 2006
Residence	Kronau, Germany
Post Office Address	Hebelstrasse 17/1 76709 Kronau Germany
Citizenship	Germany

☒ Additional inventors named on attached 1 sheet(s).

Page 1 of 2

## DECLARATION AND POWER OF ATTORNEY

5005.1111

Full name of additional inventor	Kyra MOELLMANN
Inventor's signature	<i>Kyra Moellmann</i>
Date	March 7, 2006
Residence	Trippstadt, Germany
Post Office Address	Koehlerweg 10 67705 Trippstadt Germany
Citizenship	Germany

Full name of additional inventor	
Inventor's signature	
Date	
Residence	
Post Office Address	
Citizenship	

Full name of additional inventor	
Inventor's signature	
Date	
Residence	
Post Office Address	
Citizenship	

Full name of additional inventor	
Inventor's signature	
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Full name of additional inventor	
Inventor's signature	
Date	
Residence	
Post Office Address	
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